

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

SANTIAGO MARTINEZ; aka JIMMY §  
Petitioner § CIVIL ACTION NO. 5:17-CV-47  
VS. § CRIMINAL ACTION NO. 5:13-CR-1101  
UNITED STATES OF AMERICA §

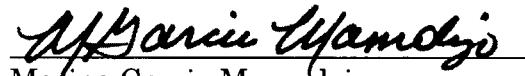
**ORDER**

On December 5, 2017, U.S. Magistrate Judge Diana Song Quiroga issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that Petitioner's § 2255 Motion be denied. (Dkt. No. 3). Additionally, the Report and Recommendation concluded that should Petitioner seek a certificate of appealability, it be denied, and that the District Court certify that any appeal should not be taken *in forma pauperis*. (*Id.*). Neither Party filed objections to the Report and Recommendation within the 14-day period set forth in § 636(b)(1).

Having found no plain error in the proposed findings and recommendations, the Court hereby **ADOPTS** the Report and Recommendations as the findings of the Court. Accordingly, Petitioner's § 2255 Motion (Dkt. No. 1; Cr. Dkt. No. 232)<sup>1</sup> is **DENIED**, and this civil action is **DISMISSED WITH PREJUDICE**. Should Petitioner seek a certificate of appealability, it is **DENIED**, and the Court certifies that any appeal should not be taken *in forma pauperis*.

It is so **ORDERED**.

**SIGNED** January 4, 2018.

  
Mariana Garcia Marmolejo  
United States District Judge

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<sup>1</sup> "Dkt. No." refers to the civil case, and "Cr. Dkt. No." refers to the criminal case.